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Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
510.1120

First named inventor: Felix BLANK et al.

Application No.: 10/524,224

Art Unit: 1745

Filed: February 9, 2005

Examiner: N/A

Title: CONTROL OF A FLUID FLOW IN AN ELECTROCHEMICAL CELL

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity-fee \$ 1620 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Notification of Missing Requirements (identify type of reply):

- ☒ has been filed previously on July 21, 2005
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 11/20/2009 CCHA01 00000042 10524224

- ☐ has been paid previously on 01 FC:1453 1620.00 OP
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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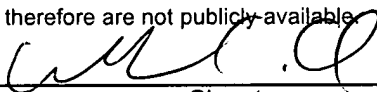
3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

William C. Gehris

Type or Printed name

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485 Seventh Avenue, 14th Floor
New York, NY 10018

Address

November 17, 2009

Date

38,156

Registration Number, If applicable
(212) 736-1940

Telephone Number

Enclosures:

- ☐ Fee Payment
- ☒ Reply (Copy Of Response To Notification Of Missing Requirements Including Copy Of Signed Declaration and Power of Attorney As Previously Filed On July 21, 2005, 4 pages)
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Statement accompanying Petition (2 pages); Endorsed Check and Accounting Receipt (2 pages)

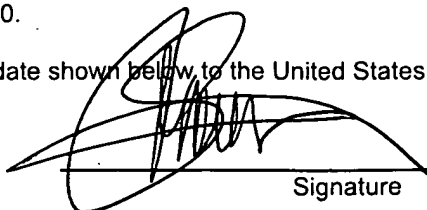
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

November 17, 2009

Date



Signature

Simon Steiner

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No:	To Be Assigned
Applicant:	Felix BLANK, et al.
Filed:	February 9, 2009
TC/A.U.:	To Be Assigned
Examiner:	To Be Assigned
Title:	CONTROL OF FLUID FLOW IN AN ELECTROCHEMICAL CELL
Docket No.	510.1120
Customer No:	23280

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 17, 2009

**STATEMENT ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION
FOR PATNET UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

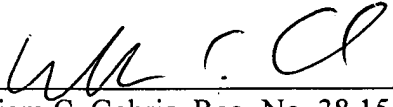
Sir:

Applicants filed a Response to the Notification Of Missing Requirements including a copy of an Executed Declaration and Power of Attorney Form (2 pages, please find copies enclosed) and a check in the amount of 130.00 \$ for covering the filing surcharge on July 21, 2005. However, on November 14, 2007, the USPTO issued a Notice of Abandonment for failure to reply to the Notice to File Missing Parts mailed on July 8, 2005 which Applicants never received.

Herewith, Applicants respectfully notify the USPTO that Applicants' response must have been received by the Office, as the check (No. 8105) accompanying Applicants' Response to the

Notification of Missing Requirements has been cashed by the USPTO on July 26, 2005, please find a copy of the endorsed check enclosed (1 page). Applicants further submit a copy of the check including the accounting receipt indicating that the cashed check No. 8105 has been issued for Attorney Docket Number 510.1120, the docket number of the present application.

Applicants were not aware that the present application has been abandoned as the Notice of Abandonment has not been received.

By: 
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